

**CITY OF SPRINGDALE, ARKANSAS
PROCEDURE FOR CONDITOINAL USES PERMISSIBLE ON
APPEAL TO THE PLANNING COMMISSION AS OUTLINED IN
ARTICLE 4, CHAPTER 130 (ZONING ORDINANCE)
SPRINGDALE CODE OF ORDINANCES**

The Springdale Planning Commission will hear, at a scheduled public hearing, only such conditional uses as it is specifically authorized to pass on by the terms of Article 4 of Chapter 130 Zoning Ordinance of the Springdale Code of Ordinances. Approval of a conditional use shall not be granted as a matter of right, but shall be granted only in situations where said use is in harmony with the character of the neighborhood and zone in which it is to be located. Under no circumstances shall any action of the Planning Commission be considered as the granting of a variance of any provision of any other protective code adopted by the City of Springdale.

APPLICANT'S RESPONSIBILITY

It is the responsibility of the applicant to insure that all necessary procedures are followed in a satisfactory and timely manner and to verify the accuracy and completeness of all necessary information. If significant omissions and/or errors are discovered during the review process, the application may be rejected or tabled until sufficient information is supplied.

FEE

A FEE OF \$75.00 (payable to the City of Springdale) and submitted to the City Clerk, is required to cover the costs of public notices and related expenses.

FILING DEADLINE

An application must be filed at the Planning Office, City Administration Building, Room 214, at least twenty (20) days before the next regularly scheduled Planning Commission meeting. Meetings of the Commission are held the first Tuesday of each month.

APPLICATION REQUIREMENTS

The following information must be submitted to the Planning Office on the designated form:

1. The name, address and phone number of the applicant.
2. The status of the applicant, profit or nonprofit.

3. The name of the record title holder of the property, along with a copy of the warranty deed, and an indication by the signing of the Application for Conditional Use, that the title holder is aware of the conditional use being sought.
4. Legal description and street address of the property involved.
5. The sections of Article 4 of Chapter 130, (Zoning Ordinance) under which the conditional use is sought on appeal.
6. A description of the conditional use sought and the reasons why it should be approved.
7. The effect the proposed conditional use will have on the character of the neighborhood and its residents.
8. The zoning classification of the property.
9. The applicant shall be responsible for proving the name and address of all adjacent property owners. This must be a certified list by a licensed abstractor or licensed land surveyor within the past sixty (60) days. The notice to all adjacent property owners must be sent by certified mail, return receipt requested at least ten (10) days prior to the Planning Commission meeting. Evidence in the form of a signed Affidavit, that notice has been given to all adjacent property owners by certified mail, return receipt requested, will be submitted. Notification should be sent after the Planning Department has accepted the application and the date of the public hearing has been confirmed.
10. The required affidavit and supporting exhibits (mailing receipts, list of adjacent property owners of record and copy of notice) shall be filed with the Planning Office no later than seven (7) days prior to the meeting.
11. The applicant should be present at the meeting in order to answer questions the Commission members or interested parties may have. If the applicant is unable to attend, written authorization from the applicant authorizing representation must be presented to the Commission for the matter to be considered. Any decisions made by the designated agent shall be binding on the landowner.

In addition to the application form, a site plan must accompany the application. A site plan review process applies to all conditional uses as specified in each of the zoning districts in Article 2, Section 13, Chapter 130.

Site Plan Submission Requirements:

1. Drawings. A site plan, architectural site plan, and street and drainage plans are required and may be included in one (1) drawing when practical. The drawing(s) must be at a scale of one (1) inch equal one hundred (100) feet or larger on a maximum sheet size of twenty-four (24) inches by thirty-six (36) inches (the City Engineer may approve other sizes and scales in special cases) and contain a vicinity map generally locating arterial streets, highways, section lines, railroads, schools, parks and other significant community facilities. The requirements for each is as follows:
 - a. Site plan. Show boundary and legal description of property, contours at intervals adequate to show critical site topography, location of watercourses, ponds, streams, structures, roads and other distinctive or unusual site features.

- b. Architectural site plan. Show existing and proposed: Streets and street rights-of-way, storm drainage, landscaping, grading, lot sizes and shapes, driveways, curb cuts, parking and loading areas, sidewalks, pedestrian ways, building outlines on lots with setbacks noted, utility lines and easements, dedications and vacations, use and zoning of adjacent property, and open space location and treatment.
 - c. Street and drainage plans. When the proposal involves new or altered street plans, street and drainage plans will also be required. These plans should match the scale of the architectural site plan and should show topography, street alignment and direction of flow for storm sewers. Where an official street and/or drainage plan exists, it should also be submitted for comparison.
2. Drawings or models. Prepare at a scale appropriate to show three-dimensional character and the construction types proposed.
3. Required written material. Written material to appear on the architectural site plan shall be as follows:
 - a. Gross site area;
 - b. Net site area (gross site area less street right-of-way);
 - c. Street length;
 - d. Number of each type of dwelling unit and total dwelling units;
 - e. Floor area per dwelling unit type and total floor area;
 - f. Floor area of commercial, industrial, cultural or recreational buildings;
 - g. Number of parking spaces required and provided;
 - h. Preliminary drainage calculations;
 - i. Total open space and total common open space provided;
 - j. List of shopping and community facilities with square footage of each;
 - k. Preliminary ownership and maintenance plan for common open space provided;
4. Dedication of rights-of-way. Dedications of sufficient right-of-way to conform with the right-of-way requirements of the Master Street Plan.
5. Modifications. The Building Inspector or City Engineer, as the case may be, has the authority to modify any requirements of this subsection where deemed appropriate.
6. Required or option improvements. Comply with those requirements of Sections 30-4 and 30-5 of Chapter 30, Subdivisions, for required or optional improvements.

PLEASE NOTE:

1. Non compliance with the above may cause your application to be withheld and not considered at the meeting and may require the payment of an additional filing fee and/or re-notification of property owners.
2. Staff advice does not constitute a recommendation of approval of the application. Staff recommendations are based on field inspections, plans for the area, report of other departments and other information.

APPLICATION PROCESSING PROCEDURE

Upon receipt of the application in the Planning Office the Director of Planning will carry out the following activities:

1. Publish a notice in the newspaper at least one time, fifteen (15) days prior to the hearing. The notice sets forth the time and place of such hearing and proposed conditional use.
2. Post one or more signs on the property subject to rezoning hearing, at least ten (10) days before the hearing to contain the words: **CONDITIONAL USE HEARING ON THIS PROPERTY** and indicating the date of the hearing.
3. The Planning Commission will then hold a Public Hearing on the proposed conditional use on the specified date and time. The applicant or designated representative must be present at the public hearing for the matter to be considered. Interested persons may appear and offer information in support of or against the proposed conditional use.
4. The following development standards and design specifications shall be applicable to the conditional use review and approval. The appropriateness of these standards shall be determined at the discretion of the Planning Commission and for each specific conditional use location:
 - a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.
 - b. Off-street parking and loading areas where required, with particular attention to items in (a) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district.
 - c. Refuse and service areas, with particular reference to the items in (a) and (b) above.
 - d. Utilities, with reference to locations, availability and compatibility.
 - e. Screening and buffering with reference to type, dimension and character.
 - f. Signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
 - g. Yard requirements and other open space requirements.
 - h. The size and shape of the site, including the size, shape and arrangement of proposed structures in keeping with the intent of the regulations.
 - i. Proposed landscaping meeting the requirements of the regulations. Landscaping may be increased in accordance with the judgment of the Planning Commission to accomplish the desired protective and aesthetic effect.
 - j. General compatibility with adjacent properties and other property in the general district.
5. Site Plan Disapproval. The Planning Commission may disapprove the site plan for any of the following reasons (including, but not limited to):
 - a. The proposed site plan is incomplete or contains or reveals violations of this regulation or applicable zoning regulations which the applicant has, after written request, failed or refused to supply or correct.
 - b. The proposed site plan does not comply with the minimum height and bulk and area or density regulations applicable to the zoning classification for which the site plan has been requested.
 - c. The proposed site plan does not comply with the minimum screening and landscaping requirements of the City of Springdale.
 - d. The proposed site plan interferes unnecessarily with easement, roadways, utilities and other public or private rights-of-way.

- e. The proposed pedestrian and vehicular circulation systems incorporated in the site plan create hazards to safety on or off the site.
 - f. The proposed site plan does not conform to the minimum drainage requirements of the City of Springdale.
 - g. The proposed site plan violates the basic intent of the regulations or does not comply with those conditions, which were stipulated by the Planning Commission.
6. The Planning Commission may then take one of the following actions: approve the conditional use permit as submitted; approve the conditional use with modifications; or deny the conditional use.
7. The Planning Commission may impose conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to reduce or minimize the injurious effects of the conditional use. The conditional use must insure compatibility with the surrounding property to better carry out the general intent of the regulations.
8. An approved site plan shall be binding on the applicants and their successors and assignees. No building permit shall be issued for any building or structure not in conformance with the site plans. The construction, location, use or operation of all land and structures within the site shall be in accordance with all conditions and limitations set forth in the site plan. No structure, use or other element of an approved site plan shall be eliminated, altered or provided in another manner unless an amendment is approved in accordance with this section provided, however, that the Building Inspector or City Engineer may approve such minor changes in the site plan as will not cause any of the following circumstances to occur:
- a. Any change in the allowable use of the development.
 - b. Any modification compounding the problems of vehicular circulation, safety and provision of public utilities.
 - c. Any modification having a potential adverse impact on adjacent property.
 - d. Any reduction of the approved building setback lines.
 - e. Any reduction of the off-street parking and loading requirements below those specified in the regulations.
9. Except for minor changes, whenever the Building Inspector or City Engineer finds that any proposed construction or occupancy modification will not comply with the approved site plan, the question shall be referred to the Planning Commission for review.
10. No conditional use which has been approved shall begin operation until all requirements imposed by the Planning Commission have been met and a certificate of occupancy has been issued. The violation of any condition imposed by the Planning Commission shall constitute grounds for revocation of the conditional use authorization. Such conditions may include time limits for exercise of the conditional use authorization; otherwise, operation must commence within sixty (60) days.
11. No conditional use authorization by the Planning Commission or City Council shall be subsequently submitted to the Board of Adjustment for a variance. Amendments or changes to a conditional use authorization must follow the same process as the original conditional use. No building permit shall be issued except in conformance with the provisions of the regulations.
12. any person who is aggrieved by the decision of the Planning Commission may appeal that decision to the City Council by written request to the City Clerk within thirty (30) days of the Planning Commission action along with an affidavit concerning notification to adjacent property owners. The City Council may approve the conditional use only by majority vote of all the members.